

REMARKS/ARGUMENTS

Claims 1-9, 11-32, 34-42, and 44-49 remain pending in the application and are rejected by the Examiner. Applicant respectfully traverses the rejections and requests reconsideration and allowance of all pending claims.

Discussion of Rejections Under 35 U.S.C. §103

Claims 20-24 and 28 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over U.S. Patent Publication No. 20030134646 to Forrester (hereinafter Forrester) in view of U.S. Patent Application Publication No. 20020184418 to Blight (hereinafter Blight).

Claims 1-9, 11-13, 15-18, 25-26, and 29-32, 34-42, and 44-49 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Forrester in view of Blight and further in view of U.S. Patent Application Publication No. 20030046158 to Kratky (hereinafter Kratky)

Claim 14 is rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Forrester, Blight, and Kratky in further view of U.S. Patent Publication No. 20040030601 to Pond (hereinafter Pond). Claims 19 and 27 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Forrester, Blight, and Kratky in further view of U.S. Patent Publication No. 20030118015 to Gunnarsson (hereinafter Gunnarsson). Applicant traverses the rejections.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be reasonable expectation of success. Finally, the prior art reference, or references when combined, must teach or suggest all of the claim limitations.

The Cited References Fail to Teach or Suggest Every Feature of Claims 20-28

Claim 20 recites a position determination system. The system includes “a position determining entity to determine the position of the mobile communication device based on the data received from the GPS satellites, *if available with an acceptable error range*, the communication signals from the base transceiver station, *if available with an acceptable error range*, and the data received from the network wireless access point.” (*emphasis added*). Neither Forrester nor Blight describe the claimed feature.

The Examiner neglects to identify all of the language of the claim element associated when making the rejection.

In particular, Claim 20 includes the term “an acceptable error range” as a condition applied to a position based on data *received from GPS satellites and the communication signals from the base transceiver system*.

In the Examiner’s Response to Arguments, the Examiner states: “Applicant’s Remarks: Blights fails to describe any ‘acceptable error range’ where position is determined based on communication signals from a base transceiver system.” Examiner’s response: Forrester specifically discloses the communication signals from the base transceiver system.” *Office Action*, dated August 28, 2006, at page 3. However, the Examiner fails to provide any supporting argument that explains how the cited portion describes “position of the mobile communication device based on the data received from the GPS satellites, *if available with an acceptable error range*.” Assuming Blight describes communication signals from a base transceiver system, there is no description of an acceptable error range in the context of data received from GPS satellites.

The Examiner also alleges that Forrester, at paragraphs [0020] through [0024] describes the “position of the mobile communication device based on the data received from the GPS satellites.” *See, Office Action*, dated August 28, 2006, at page 4. However, the Examiner fails to include the feature “*if available with an acceptable error range*.” The Examiner further fails to describe or cite to any portion of any reference that describes an acceptable error range as a condition applied to position determination based on data from GPS satellites.

Therefore, the Examiner fails to establish a prima facie case of obviousness because the cited references fail to teach or suggest every claimed feature. Applicant respectfully requests reconsideration and allowance of claim 20.

Claims 21-28 depend from claim 20 and are believed to be allowable at least for the reason that they depend from an allowable base claim.

There is No Motivation to Combine Forrester With Blight

The Examiner relies on the combination of at least Forrester with Blight for rejections to claims 1-9, 11-32, 34-42, and 44-49. However, the Examiner fails to provide a reasonable motivation for combining Forrester with Blight.

The Examiner states “it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the WLAN in wireless communication as taught by Blight to the system of Forrester in order to addition a bandwidth of WLAN in reduced the

traffic of GPS networks. [sic]" See, generally, *Office Action*, dated August 28, 2006, at page 5, first paragraph, and at page 6, last line, through page 7, first paragraph.

However, one of ordinary skill in the art would not reasonably rely on the alleged motivation to make the combination. The Examiner alleges that it is desirable to "reduce[] the traffic of GPS networks." However, the GPS position location system relies on satellite vehicles that operate as beacons broadcasting information. There is no "traffic" communicated between satellite vehicles and GPS receivers.

The satellite vehicles have no knowledge of the number or density of receivers in any particular area. The satellite vehicle is in no way loaded by the presence or absence of a receiver. The GPS satellite vehicle does not engage in two-way communications with a GPS receiver. Instead, a GPS receiver determines its location based on the broadcast satellite signals.

A GPS receiver is similar to a radio receiver, in that the number of radio receivers tuned to a radio station does not affect the operation of the radio station. The radio station transmitter has no knowledge of the number of radio receivers tuned to its broadcast signal. Furthermore, modifying a radio to accept additional signals does not in any way affect the radio station.

The Examiner provides no explanation as to what "traffic of GPS networks" is reduced by the combination. The GPS satellite vehicles may be networked, but adding WLAN capabilities to a mobile receiver in no way reduces or even affects the network of satellite vehicles. A GPS receiver does not need to transmit any signals to a GPS satellite vehicle. There is no explanation as to how a modification to the GPS receiver affects the GPS satellite vehicles or any part of the system.

The Examiner provides no explanation as to what "traffic of GPS networks" needs to be reduced, nor does the Examiner provide any explanation as to how combining WLAN capabilities to a GPS receiver affect the traffic.

Applicant believes that he alleged motivation to combine Forrester with Blight is not a reasonable motivation. Moreover, the Examiner fails to provide any explanation as to how the combination operates to satisfy the motivation.

The Examiner fails to establish a *prima facie* case of obviousness because there is a lack of a reasonable motivation to combine Forrester with Blight. Because the Examiner relies on the combination of Forrester with Blight for all claim rejections, the Examiner has

failed to make a *prima facie* case of obviousness for any claim rejection. Applicant respectfully requests reconsideration and allowance of the pending claims for this reason, separate and distinct from any other reasons provided herein.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. Applicants therefore respectfully request that a timely Notice of Allowance be issued in this case.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned.

Respectfully submitted,

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